



1995 ASSEMBLY BILL 328

April 21, 1995 - Introduced by Representatives HAHN, GOETSCH, OWENS, AINSWORTH, PLOMBON and SILBAUGH. Referred to Committee on Highways and Transportation.

1 AN ACT *to repeal* 80.18, 80.19, 80.20 and 80.21; and *to amend* 80.17 of the
2 statutes; **relating to:** appeals of highway orders of town supervisors.

Analysis by the Legislative Reference Bureau

Under current law, if a person appeals an order or determination of the town supervisors laying out, altering, widening or discontinuing a highway, commissioners are appointed to review the order or determination. The commissioners must be disinterested resident electors of the county and their decision is filed with the appropriate municipal clerk within an applicable time limit. Upon review of an order or determination refusing to lay out, alter, widen or discontinue a highway, the commissioners may make and file an order and take other actions which, in their judgment, the local highway authorities should have made.

This bill eliminates the appointment of commissioners to review highway orders and determinations of town supervisors. Any person aggrieved by an order or determination of town supervisors laying out, altering, widening or discontinuing a highway may appeal to circuit court.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 SECTION 1. 80.17 of the statutes is amended to read:

4 **80.17 Appeal from highway order.** Any person aggrieved by any order of
5 the town supervisors laying out, altering, widening or discontinuing any highway,
6 or refusing so to do may, within 30 days after the determination, appeal from the

1 order or determination to ~~the circuit judge for the appointment of commissioners to~~
2 ~~review the order or determination~~ circuit court. Failure of the supervisors to file
3 their decision upon any application to lay out, alter, widen or discontinue any
4 highway within 60 days after the application is made shall be deemed a refusal of
5 the application. ~~The appeal shall be in writing and shall briefly state the grounds~~
6 ~~upon which it is made, and whether it seeks to reverse entirely the order or~~
7 ~~determination or only a part, and in the latter case it shall state what part.~~ In case
8 of highways upon a line between 2 counties the appeal may be made to the circuit
9 judge court of either county.

10 **SECTION 2.** 80.18 of the statutes is repealed.

11 **SECTION 3.** 80.19 of the statutes is repealed.

12 **SECTION 4.** 80.20 of the statutes is repealed.

13 **SECTION 5.** 80.21 of the statutes is repealed.

14 **SECTION 6. Initial applicability.**

15 (1) This act first applies to orders and determinations made by town
16 supervisors on the effective date of this subsection.

17 (END)